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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,387	01/26/2001	Naoki Kubo	0378-0379P	5780

2292 7590 12/01/2004

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EXAMINER
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AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/769,387	<b>Applicant(s)</b> KUBO ET AL.	
	<b>Examiner</b> Yogesh K Aggarwal	<b>Art Unit</b> 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) 3-7,9-15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/26/2001</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

***Election/Restrictions***

1. Applicant's election without traverse of claims 1, 2, 8, 16 and 18 is acknowledged. Since no indication was made it is being taken as elected without traverse.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 8, 16 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Vogel et al. (US Patent # 4,750,041).

[Claim 1]

Vogel et al. teach a timing signal generating device (figure 3A, element 30) for generating timing signals in accordance with set data, comprising a first setting circuit (figure 3A, element 88) for outputting first set data to be used to generate the timing signals (col. 6 lines 52-59), a second setting circuit (figure 3A, element 90) for outputting second set data to be used to generate the timing signals (col. 6 lines 46-50), a generating circuit (figure 3A, element 94) for generating first timing signals in accordance with said first set data input from said first setting circuit (col. 6 lines 63-67), and a controller (figure 3A, element 14) for defining a timing for setting said second set data output from said second setting circuit (figure 3A, element 90) in said generating circuit (col. 6 lines 37-45), wherein said generating circuit (figure 3A, element 94) generates second timing signals in accordance with said second set data input from said second setting circuit at the timing defined by said controller (col. 6 line 63- col. 7 line 5).

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[Claim 2]

Vogel et al. teaches that NTSC timing generator is a free-running circuit component which outputs timing signals to the first setting circuit i.e. movie mode setting circuit (col. 6 lines 46-48, figure 3A, element 88), so it reads on the limitation of a first setting circuit that sets said first set data in said generating circuit (figure 3A, element 94) when a system including said device is started up.

[Claim 8]

Vogel et al. teaches that the second data setting circuit (figure 3A, element 90) is operated after the shutter button is fully depressed to its second position (col. 6 lines 42-45) and generate timing signals to vary the system from movie mode to still mode, so it reads on said second timing signals represented by said second set data vary an operation of a system, which includes said device, under way.

[Claims 16 and 18]

Regarding claims 16 and 18, because the apparatus according to the limitations of claims 1, 2 and 8 is taught, the method corresponding to the apparatus is also taught.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i. Ueno (US Patent # 6,496,224).
- ii. Tanaka et al. (US Patent # 6,075,565).
- iii. Jacobs (US Patent # 6,580,456).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
November 22, 2004

  
TUAN HO  
PRIMARY EXAMINER